



**DEPARTMENT OF THE NAVY
HEADQUARTERS
NAVAL CRIMINAL INVESTIGATIVE SERVICE
27130 TELEGRAPH ROAD
QUANTICO VA 22134-2253**

5720 2017-010043
SER00LJF/17U1963
September 22, 2017

Mr. John Greenewald, Jr.
27305 W. Live Oak Road
Suite #1203
Castaic, CA 91384

Dear Mr. Greenewald:

This responds to your August 25, 2017 electronic Freedom of Information Act (FOIA) request seeking a copy of the August 4, 2016 Investigative Action report to the Naval Criminal Investigative Service report cited as Case Control Number: 25SEP15-CACP-0125-4WMA.

We have recently obtained and completed the processing of the aforementioned report. Our review of this document reveals that it contains personal identifiers (such as names and social security numbers) of third parties, the release of which would constitute an unwarranted invasion of personal privacy. Accordingly, we must partially deny your request and withhold this information pursuant to the FOIA provisions 5 U.S.C. § 552(b)(6) and (b)(7)(C).

All releasable information is provided to you at enclosure (1). We have also provided an enclosure explaining the various exemptions of the FOIA.

As the official responsible for the partial denial of your request, I am advising you of your right to appeal this determination. Your appeal must be postmarked within 90 calendar days from the date of this letter and should be addressed to the Secretary of the Navy's designee: Office of the Judge Advocate General, (Code 14), 1322 Patterson Avenue, S.E., Suite 3000, Washington Navy Yard, D.C. 20374-5066. The envelope and letter must bear the annotation "FOIA Appeal". A copy of your initial request and a copy of this partial denial letter must accompany the appeal.

If you choose not to appeal, you have the right to seek dispute resolution services. You may contact the Department of the Navy's FOIA public liaison, Mr. Chris Julka, at christopher.a.julka@navy.mil or (703) 697-0031 or the Office of Government Information Services (<https://ogis.archives.gov/>).

There are no assessable fees associated with the processing of your request. Should you have any questions, please contact us at (571) 305-9092 or via electronic mail at ncis_foia@ncis.navy.mil.

Sincerely,

\\s\\

FOIA COORDINATOR

Encl:
(1) Documents



Explanation of the Nine FOIA Exemptions

The following is a list of FOIA exemptions which apply to Government information in accordance with 5 U.S.C. § 552(b):

(b)(1) EXEMPTION – Protects Classified Matters of National Defense or Foreign Policy.

This exemption protects from disclosure national security information concerning the national defense or foreign policy, provided that it has been properly classified in accordance with the substantive and procedural requirements of an executive order.

(b)(2) EXEMPTION – Internal Personnel Rules and Practices.

This exemption exempts from mandatory disclosure records “related solely to the internal personnel rules and practices of an agency.” Courts have interpreted the exemption to encompass two distinct categories of information:

- (a) Internal matters of a relatively trivial nature – sometimes referred to as “low2” information: and

(b)(3) EXEMPTION – Information Specifically Exempted by Other Statutes:

This exemption incorporates the disclosure prohibitions that are contained in various other federal statutes. As originally enacted in 1966, Exemption 3 was broadly phrased so as to simply cover information “specifically exempted from disclosure by statute.” The new Exemption 3 statute prohibits agencies from releasing under the FOIA proposals, “unless that proposal” is set forth or incorporated by reference in a contract entered into between the agency and the contractor that submitted the proposal.”

(b)(4) EXEMPTION – Trade Secrets Commercial or Financial Information.

This exemption protects “trade secrets and commercial or financial information obtained from a person (this is) privileged or confidential.” This exemption is intended to protect the interest of both the government and submitter of information.

(b)(5) EXEMPTION – Privileged Interagency or Intra-Agency Memoranda or Letters.

This exemption protects “inter-agency or intra-agency memorandums of letters which would not be available by law to a party... in litigation with the agency.” As such, it has been construed to “exempt those documents, and only those documents, normally privileged in the civil discovery context.”

(b)(6) EXEMPTION- Personal Information Affecting an Individual’s Privacy.

This exemption permits the government to withhold all information about individuals in “personnel and medical files and similar files” when the disclosure of such information “would constitute a clearly unwarranted invasion of personal privacy.” This exemption cannot be invoked to withhold from a requester information pertaining to the requester.

(b)(7) EXEMPTION – Investigatory Records Compiled for Law Enforcement Purposes.

As amended, this exemption protects from disclosure “records or information compiled for law enforcement purposes.

EXEMPTION 7(A) Records of information that could reasonably be expected to interfere with enforcement proceedings. This exemption authorizes the withholding of “records or information compiled for law enforcement purposes, but only to the extent that production of such law enforcement records or information... could reasonably be expected to interfere with enforcement proceedings.”

EXEMPTION 7(B) Disclosure which would deprive a person of a fair trial or an impartial adjudication. Records that would prevent prejudicial pretrial publicity that could impair a proceeding, protect “records of information compiled for law enforcement purposes (the disclosure of which) would deprive a person of the right to a fair trial or an impartial adjudication.”

EXEMPTION 7(C) Personal Information in Law Enforcement Records. This exemption provides protection for personal information in law enforcement records. This exemption is the law enforcement counterpart to Exemption 6, providing protection for law enforcement information the disclosure of which “could reasonably be expected to constitute an unwarranted invasion of personal privacy.”

EXEMPTION 7(D) Identity of a Confidential Source. This exemption provides protection for “records or information compiled for law enforcement purposes (which) could reasonably be expected to disclose the identity of a confidential source – including a State, local or foreign agency or authority or any private institution which furnished information on a confidential basis – and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source.”

EXEMPTION 7(E) Circumvention of the Law. This exemption affords protection to all law enforcement information which “would disclose techniques and procedures for law enforcement investigation or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.”

EXEMPTION 7(F) Physical Safety to Protect a wide Range of individuals. This exemption permits the withholding of information necessary to protect the physical safety of a wide range of individuals. Whereas Exemption 7(F) previously protected records that “would... endanger the life or physical safety of law enforcement personnel.” The amended exemption provides protection to “any individual when disclosure of information about him or her “could reasonably be expected to endanger (his/her) life or physical safety.”

(b)(8) EXEMPTION – Records of Financial Institutions.

This exemption covers matters that are “contained in or related to examinations, operating, or condition reported prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions.”

(b)(9) EXEMPTION – Geographical and Geophysical Information Concerning Wells.

This exemption covers “geological and geophysical information and data, including maps concerning wells.”

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

04AUG16

CONTROL: 25SEP15-CACP-0125-4WMA

I/MCAS CHERRY POINT, NC/SUSPECTED WORKERS' COMPENSATION FRAUD BY MTL

SURVEILLANCE

1. On 04Aug16, at 0737, Reporting Command Investigator (RCI) and Participating Command Investigators, (PCI) (b)(6), (b)(7)(C) set-up static surveillance of the residence of (b)(6), (b)(7)(C) at (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)

2. (b)(6), (b)(7)(C) is a (b)(6), (b)(7)(C) year old WG-07 Plumber's Helper, assigned to MCB Camp Lejeune, NC. The Human Resource Specialist at the Workers' Compensation Office, MCB Camp Lejeune, NC, referred (b)(6), (b)(7)(C) claim to investigators (b)(6), (b)(7)(C). Preliminary investigation revealed (b)(6), (b)(7)(C) operating a privately owned vehicle, after (b)(6), (b)(7)(C) claimed he was unable to do so, and his inability to drive was preventing him from returning to work. (b)(6), (b)(7)(C) annual cost avoidance is \$46,550.00, and the lifetime cost avoidance is \$1,483,781.00.

3. Initial surveillance revealed (b)(6), (b)(7)(C) white 2003 Ford Ranger pick-up truck was parked in his driveway.

4. At 0918, (b)(6), (b)(7)(C) was observed by PCI (b)(6), (b)(7)(C) driving away from his residence in his pick-up truck. (b)(6), (b)(7)(C) turned onto NC HWY 17N, and drove to the "Dollar General" store a couple of blocks up the road in Holly Ridge, NC.

5. At 0928, the RCI observed (b)(6), (b)(7)(C) exit the Dollar General carrying an unidentified object and a soft drink in his hand. (b)(6), (b)(7)(C) returned to his truck and again began driving north on NC HWY 17N.

6. At 0945, PCI (b)(6), (b)(7)(C) lost visual contact of (b)(6), (b)(7)(C) truck in vehicular traffic near Sneads Ferry, NC.

7. At 0950, PCI (b)(6), (b)(7)(C) located (b)(6), (b)(7)(C) at (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) the residence of (b)(6), (b)(7)(C) relative, where (b)(6), (b)(7)(C) has been observed on several previous surveillances working on a boat in the yard. (b)(6), (b)(7)(C) observed the work shed doors were open, and (b)(6), (b)(7)(C) appeared to be working inside of it.

8. At 1015, the RCI conducted a drive past the residence and observed (b)(6), (b)(7)(C) working inside the shed.

9. At 1030, PCI (b)(6), (b)(7)(C) drove past the residence and observed still working inside the shed.

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PAGE 1

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 25SEP15-CACP-0125-4WMA

04AUG16

10. At 1115, the RCI observed (b)(6), (b)(7)(C) still working outside the shed on an unidentified object on a bench near the boat.

11. At 1225, (b)(6), (b)(7)(C) drove away from the residence in his pick-up truck, and drove to the boat repair shop in Sneads Ferry, NC, down by the water.

12. At 1337, (b)(6), (b)(7)(C) left the boat shop and drove back to (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)

13. At 1348, (b)(6), (b)(7)(C) left the residence, and drove his truck towards downtown Sneads Ferry, NC. The RCI lost visual contact of (b)(6), (b)(7)(C) truck in vehicular traffic, but PCI (b)(6), (b)(7)(C) located it at 1415, at the "Open Water Marina," a boat sales, repair, and supplies business at 114 Sugar Ln, in downtown Sneads Ferry, NC.

14. At 1453, (b)(6), (b)(7)(C) drove away from the Open Water Marina and drove back to (b)(6), (b)(7)(C)

15. At 1503, (b)(6), (b)(7)(C) left (b)(6), (b)(7)(C) and drove in the direction of his residence. While traveling on Old Folkstone Rd towards NC HWY 17N, (b)(6), (b)(7)(C) turned off on a side road. The RCI elected not to immediately follow down the road, in order to prevent detection of the surveillance. PCI (b)(6), (b)(7)(C) attempt to locate (b)(6), (b)(7)(C) truck on the road and surrounding neighborhood met with negative results.

16. At 1545, the RCI terminated the surveillance.

17. During the surveillance, the RCI, and PCI (b)(6), (b)(7)(C) exposed forty-eight (48) digital images of (b)(6), (b)(7)(C). The images were copied to a compact disc and placed into the case file. The RCI placed five (5) of the digital still images onto a photo template, appended as Enclosure (A).

Image Depicts

- 1 (b)(6), (b)(7)(C) exiting Dollar General store.
- 2 (b)(6), (b)(7)(C) working inside shed at (b)(6), (b)(7)(C)
- 3 (b)(6), (b)(7)(C) working on item on bench outside shed at (b)(6), (b)(7)(C)
- 4 (b)(6), (b)(7)(C) Boat (b)(6), (b)(7)(C) has been working on, with hull marking visible.
- 5 (b)(6), (b)(7)(C) inside the warehouse of Open Water Marina.

ENCLOSURE

(A) Photo Template of five (5) digital surveillance images/04AUG16

PARTICIPANTS

(b)(6), (b)(7)(C) Command Investigator, NCISRA Cherry Point, NC
(b)(6), (b)(7)(C) Command Investigator, NCISRA Cherry Point, NC

REPORTED BY: (b)(6), (b)(7)(C) Investigator

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PAGE 2

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CONTROL: 25SEP15-CACP-0125-4WMA

04AUG16

OFFICE: RESIDENT AGENCY CHERRY POINT

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PAGE 3 LAST (b)(6), (b)(7)(C) LNN

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